IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

WRIT PETITION NO : 26198 of 1995

Between:

Kolagontla Danapu Reddy S/o. Nagaiah
R/o. Gollapalli village Tarlapadu mandal
Prakasham Dist

..... PETITIONER

AND

The Revenue Divisional Officer &Land Acquisition officer
Kandkur Prakasham Dist

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or direction particularly in the nature of mandamus or any other appropriate writ directing the respondent herein to refer the case of the petitioner to the competent civil court under sec. 18(1) of the Land Acquisition Act for adjudication regarding the fixation of the market value and for other benefits under said Act.

Counsel for the Petitioner: MR.V.R.AVULA

Counsel for the Respondent: GP FOR LAND ACQUISITION

The Court made the following O R D E R:

Heard learned counsel for the parties.

The grievance of the petitioner is that aggrieved by the award, he has moved an application under Section 18(1) of the Land Acquisition Act, 1894 (for short “the Act”) for making a reference to the civil Court, but the respondent has not referred the matter to the civil Court.

In the counter-affidavit, it was stated that no application was filed by the petitioner for making a reference under Section 18(1) of the Act.

On the last occasion, learned Government Pleader was directed to produce the record. He has produced the record. Though there is no application of the petitioner on record for making a reference, but there is an order dated 17-11-1995, which shows that an application had been made and was rejected on the ground that the compensation had not been received on protest.

When an application was moved immediately after receiving the compensation, that itself was sufficient to show that the petitioner was not satisfied with the amount of

compensation. Therefore, the rejection of the application of the petitioner was illegal. Since the application is not on record, I allow the petitioner to make available to the Land Acquisition Officer a copy of the application and after the copy of the application is made available, the Land Acquisition Officer shall make a reference under Section 18(1) of the Act to the civil Court.

The writ petition is accordingly disposed of. No order as to costs.

_____

(Bilal Nazki,J)

24th March, 2005.

vrn

To

1. The Revenue Divisional Officer &Land Acquisition officer
Kandkur Prakasham Dist

2. Two CCs to the Government Pleader for Land Acquisition,

High Court of A.P., Hyderabad. (O.U.T.)

3. Two CD copies.